

Date 5/4/10 Application # CV10-014

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue Columbus, Ohio 43224



## COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: N/A

Received By: DH

### LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 1446 Mcnaughten Road Zip 43232

Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No

If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition. N/A

Parcel Number for certified address 550-156220 (Application also includes:

☐ If applicable, check here if listing additional parcel numbers on a separate page (Required) 550-156230

Current Zoning District (s) I, Institutional 010-129751

Recognized Civic Association or Area Commission N/A

(See instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: See Statement of Hardship, Exhibit B

Proposed Height District: H-35 Acreage 2.761 +/- Acres

(Columbus City Code Section 3309.14)

APPLICANT: Name The Pagura Co. c/o Donald Plank, Plank Law Firm

Address 145 East Rich street 3rd City Columbus, OH Zip 43215  
flr

PROPERTY OWNER(S) Name Columbia Gas Transmission Corp. c/o Donald

Address 145 East Rich Street, 3rd City Columbus Zip 43215 Plank

☐ If applicable, check here if listing additional property owners on a separate page (Required)

ATTORNEY / AGENT

☒ Attorney

☐ Agent

Name Donald Plank, Plank Law Firm

Address 145 East Rich Street City Columbus OH Zip 43215

Phone # (614) 947-8600 Fax # (614) 228-1790

Email dplank@plank\_law.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature Donald Plank, attorney

Property Owner Signature Donald Plank, attorney

Attorney / Agent Signature Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.



# AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank  
of (1) MAILING ADDRESS 145 East Rich Street, 3rd floor, Columbus, OH 43215  
deposed and states that (he/she) is the applicant, agent, or City authorized attorney for  
same and the following is a list of the name(s) and mailing address(es) of all the owners  
of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 1446 Mcnaughten Road  
for which the application for a rezoning, variance, special permit or graphics plan was filed  
with the Department of Development, Building Services Division on (3) 5/4/10

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(4) Columbus Gas TRansmission Corp  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, 3rd Floor  
Columbus, OH 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

The pagura Company c/o Donald Plank  
(614) 947-8600

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) N/A

and that the attached document (6) is a list of the names and complete mailing  
addresses, including zip codes, as shown on the County Auditor's Current Tax List or the  
County Treasurer's Mailing List, of all the owners of record of property within 125 feet of  
the exterior boundaries of the property for which the application was filed, and all of the  
owners of any property within 125 feet of the applicant's or owner's property in the event  
the applicant or the property owner owns the property contiguous to the subject  
property: (7)

SIGNATURE OF AFFIANT

(8) Donald Plank  
Subscribed to me in my presence and before me this 3rd day of May, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) David Watkins  
My Commission Expires: N/A

Notary Seal Here



David Watkins  
Attorney At Law  
Notary Public - State of Ohio  
My commission expires on Expiration Date  
Ohio Revised Code Section 147.03

**Exhibit A**  
**1446 McNaughten Road**  
**Council Variance CV10- 014**  
**April 30, 2010**

**APPLICANT:**

The Pagura Company  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**PROPERTY OWNERS:**

Columbia Gas Transmission Corp  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**ATTORNEY:**

Donald Plank  
Plank Law Firm  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, Ohio 43215

**COMMUNITY GROUP/COALITION:**

N/A

**SURROUNDING PROPERTY**  
**OWNERS:**

East Main Centers- I L L C  
6055 E Main Street  
Columbus OH 43213-3356

Darwin L & Maria K Carey  
1437 McNaughten Road  
Columbus OH  
43232-9404

Marshall Jacqueline E  
1445 McNaughten Road  
Columbus Ohio 43232

East Main Centers-I LLC  
1798 Frebis Avenue  
Columbus OH 43206

Charles F Henestofel  
1457 McNaughten Road  
Columbus OH 43232

McNaughten Woods LP  
3016 Maryland Ave  
Columbus OH 43209

Howard Edom Jr.  
1423 McNaughten road  
Columbus Oh 43232

**SHEET 1 OF 2**  
April 30, 2010  
Council Variance CV10-\_\_\_\_\_  
1446 McNaughten Road

**ALSO NOTIFY:**

John Piccin, P.E.  
Chenevey and Piccin Engineering  
9572 Dublin Road  
Powell, Ohio 43065

David B. Perry  
David Perry Co., Inc  
145 East Rich Street, 3<sup>rd</sup> Flr.  
Columbus, OH 43215

Steve Pagura  
The Pagura Company  
8101 Corporate Boulevard  
Plain City, OH 43064

Todd Rieser  
Dublin Building Systems  
6233 Avery Road, PO Box 370  
Dublin, OH 43017

Columbia Gas Transmission  
Corp  
PO Box 117  
200 Civic Center Drive  
Columbus, Ohio 43216-0017

**SHEET 2 OF 2**

April 30, 2010

Council Variance CV10- 014  
1446 McNaughten Road



## STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code  
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

See Exhibit B

Signature of Applicant

*Donald Plank*

Date

*5/3/10*

## **Exhibit B**

### **Statement of Hardship**

**1446 McNaughten Road**

**CV10- 014**

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The 2.741 +/- Acre site has been used as a Gas Regulator Station since 1956. In 1956, the facility, called a "town border station" consisted of gas regulators, measurement and testing devices and structures to house the regulators and testing equipment. The property was annexed to the City of Columbus in 1964 and zoned R-1, Residential. In 1972, Columbus Gas obtained a Special Permit (SP72-089) from the Board of Zoning Adjustment (BZA) to construct a customer service crew building on the property. The purpose of the customer service crew building was to permit Columbia Gas employees to work from and be dispatched from the premises for gas customer service turn-on and turn-off requests and respond to other company and customer service items. The property was rezoned to the I, Institutional District in 1981 (Z81-039). BZA application 01311-00005 was approved July 24, 2001 and granted variances to driveway width and surfacing and a Special Permit (SP) for a Portable Building. The variances granted by Board Order 01311-00005 are hereby incorporated by reference. Materials storage, including outside materials storage, parking of motor vehicles, including dump trucks and construction equipment, such as backhoes and other types of excavation equipment used in the installation/maintenance of underground gas lines, and associated trailers, are activities and site functions that have occurred for many years at the property. Large areas of the site have had and continue to have a gravel surface.

The 2.741 +/- acres consists of three (3) tax parcels. All three (3) tax parcels are in the City of Columbus, but two (2) parcels (550-156220 and 550-156230) are in the Reynoldsburg School District and one (1) parcel (010-129751) is in the City of Columbus School District. The 550 and 010 taxing districts cannot be combined. For all City of Columbus regulatory purposes, including any site plan approval, the 2.741 +/- acre site shall be considered one (1) parcel and any/all internal property lines caused by the different tax districts shall be disregarded.

Columbia Gas proposes to build a 5,000 square foot single story building, located as depicted on the submitted site plan. The proposed building will be used as a service facility to maintain construction equipment, for training of field employees and administrative support functions of this Columbia Gas facility. The building use will be approximately 1,400 sq. ft for office, bathroom and entry, and 3,600 sq. ft. for service/warehouse. The site, existing uses and proposed building are an integral part of Columbia Gas providing services on the east side of Columbus.

Applicant requests the following variances:

- 1) 3349.03, Permitted Uses, to permit a Gas Regulator Station which use shall include offices of employees, employee dispatching from the premises for off-premise service and gas line repair/replacement/construction, storage and parking of motor vehicles and equipment, outside storage of materials and equipment, employee training and administrative support functions for this facility.
- 2) 3349.04(b), Height, Area and Yard Regulations, which Section limits lot coverage to 60%, while building coverage, including the proposed building is approximately 10% and total site coverage, including pavement and gravel areas exceeds 60%.

A hardship exists in that the site has been used by Columbia Gas and applicable corporate predecessors as a gas regulating station and related service, storage and maintenance/customer service dispatching functions for many years. The proposed variance is appropriate and consistent with the historical use of the property, previous variances and the intent of the I, Institutional District.



## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.  
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # CV10-014

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) 145 East Rich street, 3rd Flr., Columbus, OH 43215  
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY  
FOR SAME and the following is a list of all persons, other partnerships, corporations or  
entities having a 5% or more interest in the project which is the subject of this application  
in the following formats

Columbus Gas Transmission Corporation  
200 Civic center Drive  
Columbus, OH 43216-0117  
Contact: George Usner (614) 460-8018

☐ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 3rd day  
of May, in the year 2010

SIGNATURE OF NOTARY PUBLIC

David Watkins

My Commission Expires:

NA

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here



David Watkins  
Attorney At Law  
Notary Public - State of Ohio  
My commission Has no Expiration Date  
Ohio Revised Code Section 147.03





# City of Columbus Address Plat

CV10-014

## CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form  
are Herein Certified for Securing  
of Building & Utility Permits

Parcel ID: 550-156220

Project Name: SERVICE BUILDING

House Number: 1446

Street Name: MCNAUGHTEN RD

Lot Number: N/A

Subdivision: N/A

Work Done: ☐

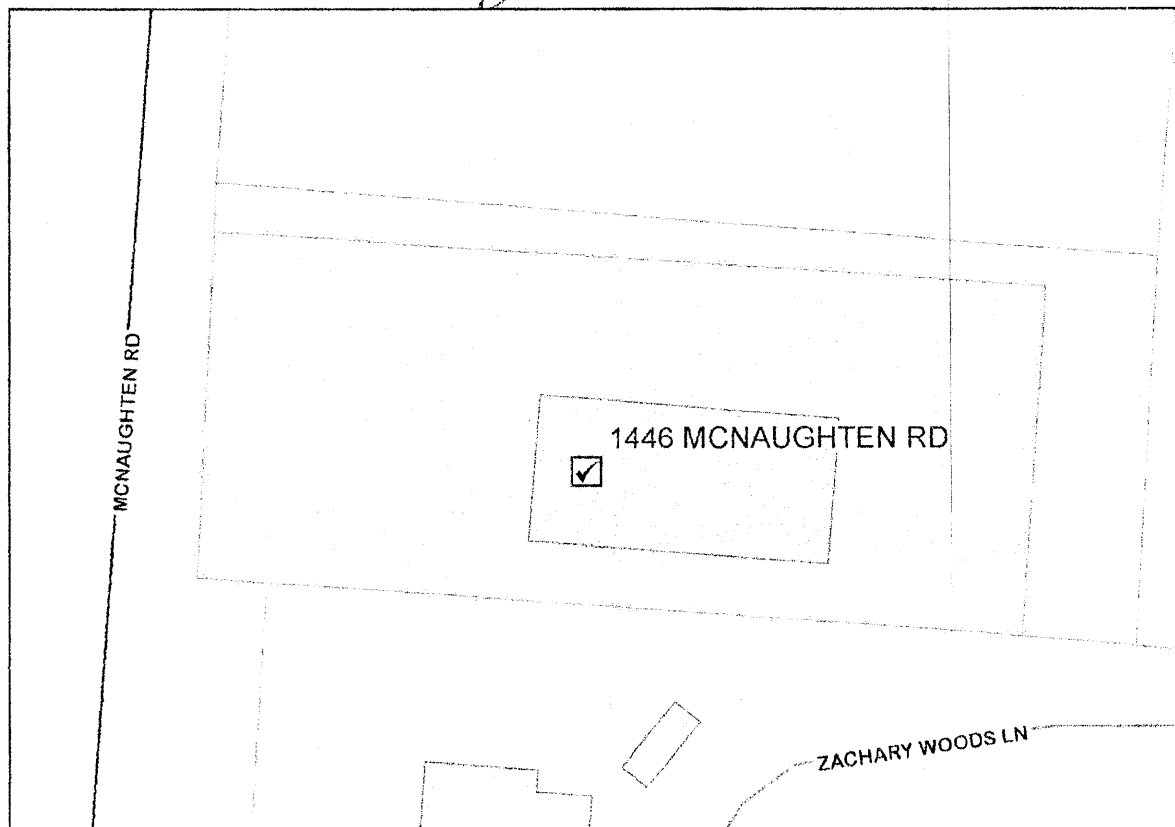
Complex: N/A

Owner: COLUMBIA GAS TRANSMISSION CORP.

Requested By: DUBLIN BLDG SYSTEMS

Printed By: *Louis D. McE...*

Date: 4/06/2010



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 1298352

CV10- 014

**Legal Description**

**1446 McNaughten Road, Columbus, OH**

**2.761 +/- Acres**

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Being in and a part of Half Section 21 Section 14, Township 12 Range 21, Refugee Lands, and being a part of that 15.985 acre tract conveyed by Edward Gary, et al, to Richard Wallace, et al, by deed as shown of record in Deed Book 836, Page 115, Franklin County Records, and being more particularly bounded and described as follows:

Being at a stone located at the Southwest corner of the above named 15.985 acre tract conveyed in Deed Book 836, Page 115, Franklin County Records, and being more particularly bounded and described as follows:

Being at a stone located at the Southwest corner of the above named 15.985 acre tract, said stone being located on the West line of Half Section 21;

Thence North 4 01' East along the said west line of Half Section 21, 33.1 to an iron pin;

Thence south 85 36' East 354.54' to an iron pin'

Thence South 4 01' West 133.1' to an iron pin;

Thence North 85 36' East 354.54' to an iron pin'

Thence south 4 01' west 133.1' to an iron pin;

Thence North 85 36' West 354.45' to a stone, the place of beginning and containing 1.083 acres, more or less.

Excepting a 0.122 acre tract conveyed to the county of Columbus as described in official Record 01189J10 bounded and described as follows:

Being in and part of Half Section 21, section 14, Township 12, Range 21, Refugee Lands, and being a part of a 1.083 acre tract, said corner being on the West line of Half Section 21; (Centerline of McNaughten Road);

Thence North 4 01' East 133.1 feet, in the West line of Half Section 21, to a point;

Thence South 85 36' East 40.0 feet, in the Northerly Line of said 1.083 acre tract, to a point;

Thence South 4 01' West 133.1 feet, parallel to the West line of Half Section 21, to a point in the southerly line of said 1.083 acre tract;

Thence North 85 36' West 40 feet, in the southerly line of said 1.083 acre tract, to the place of beginning, containing 0.122 acre.

Thence South 4 01' West 133.1 feet, parallel to the West line of Half Section 21, to a point in the southerly line of said 1.083 acre tract;

Thence North 85 36' West 40 feet, in the southerly line of said 1.083 acre tract and reserving unto the Grantor, Columbia Gas of Ohio, Inc., its successors or assigns the following described easements;

EASEMENT NO. 1

Being a twenty (20) feet wide gas pipeline and access easement South of, parallel with and adjoining the North line of the above described 1.083 acre tract and extending 314.54 feet west from the east line thereof.

EASEMENT NO. 2

Being a forty (40) feet wide gas pipeline and access easement West of, parallel with and adjoining the East line of the above described 1.083 acre tract and extending 113.1 feet north from the South line thereof.

AND

Being a 1.8 acre tract out of the South part of a 17.28 acre tract in the West half section 14, T. 12 N., E. 21 W., O.E.S., also known as half Section E1, Refugee lands, and more particularly described as follows:

Beginning, for reference, at a point in the center line of National Road (U.S. Route 40) and on the East half section 14, thence 1. 89. 16' E., 755.75 feet along the center line of the national Road to a point at the Northeast corner of said 17.28 acre tract to southeast border thereof, the principal place of beginning:

Thence W. 55 36' W., 398.6 feet to an iron pin at the Southwest corner of 17.22 acre tract;

Thence E. 4 01' h., 196.71 feet in the West Line of 17.28 Acre tract to an iron pin;

Thence S. 85 36' E. 398.6 feet to an iron pin in the West line of 17.28 acre tracts

Thence S. 4 01' W., 196.71 feet in the East line of 17.28 acre tract to the principal place of beginning, containing 1.8 acres, more or less.

CV10-014



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 4/28/10



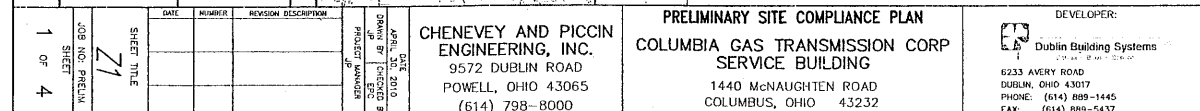
Disclaimer

Scale = 200

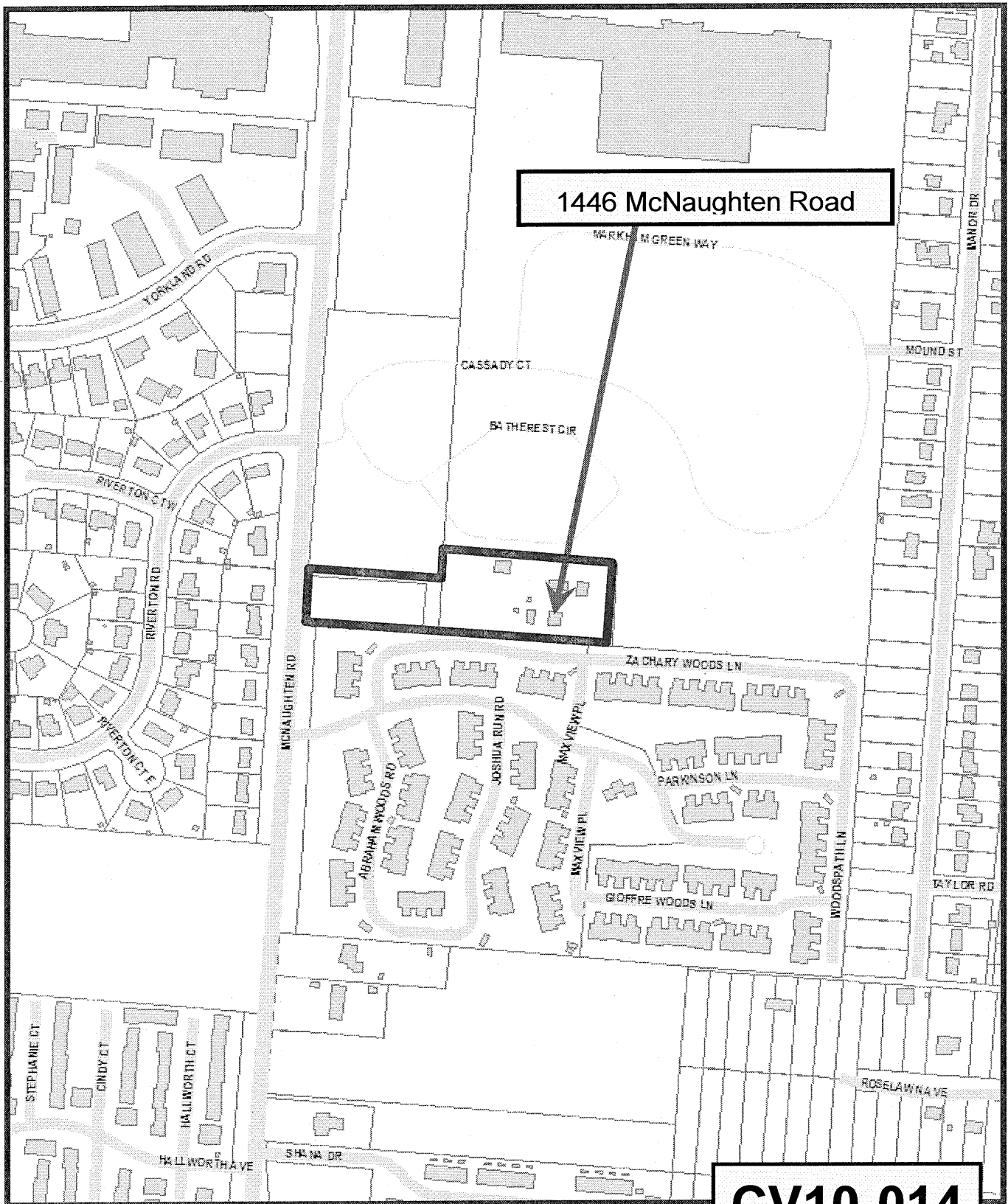


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department







1446 McNaughten Road

CV10-014



1446 McNaughten Road

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